REMARKS

Claims 11- 18 are pending and stand rejected.

Claim 11 has been amended to more clearly define the layers

It is believed that no new matter is added by these amendments.

35 U.S.C. §112

Claims 11-16 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, Claim 11 a) id unclear as to whether the "containing no carbon nanotubes" is qualifying both to the antecendently recited polyamide and the polyamide/polyolefin. Claim 11 has been amended to make this clear.

35 U.S.C. §103(a)

Jadamus in view of Nakajima, Chacko, and Zimmer

Claims 11-16 stand rejected under 35 U.S.C. 103(a) as obvious over Jadamus et al et al, US 6,090,459, in view of Nakajima (US 5,376,712), Chacko (US 6,617,377), and further in view of Zimmer (US 6,615,877)

The '459 reference fails to teach all of Applicant's claim limitations, as amended, and therefore fails to present a *prima facie* of obviousness.

The '495 reference, as described by the Examiner has

- an outer PA12 layer,
- a first intermediate layer of polyester or PVDF
- a second intermediate layer of PA 12
- and an inner layer of impact-modified polyamide and graphite fibrils.

Applicant's have amended layer 2) to be required and to be copolyamides or functionalized polyolefins These layers are not taught or suggested by the Jadamus reference; and conversely Applicant's structure does not contain the materials required by the Jadamus reference.

The Nakajima reference is a secondary reference cited for its teaching of impact modified polyamides, and specifically for polyamides modified with polyolefins. It does not teach or suggest a method for improving barrier properties using the structure as claimed in Applicant's amended claims, thus failing to heal the deficiencies in the Jadamus reference.

The Chacko reference is also a secondary reference, cited for its teaching that carbon nanotubes can form secondary bonding with polymers having functional groups. The Chacko patent includes in its list of representative polymers polyamide imides, however polyamides or polyolefins are not included, and therefore this reference fails to make the point that carbon nanotubes concentrate in the polyamide.

The Zimmer reference is a secondary reference showing bonding layers (tie layers) can be provided between adjoining nylon layers.(PA 6 and PA12). The bonding layer can be a polyolefin like polyethylene or polypropylene. (Col 2, lines 58 – 62). There is no teaching or suggestion of using a copolyamide or a functionalized polyolefin for improved adhesion.

Since the cited references fail to present a *prima facie* case of anticipation or obviousness over the claims as amended, Applicant believes that the reasons for rejection have been overcome, and the claims herein should be allowable to the Applicant. Accordingly, reconsideration and allowance are requested.

Respectfully submitted,

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